UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/1038
5 November 1998

ORIGINAL: ENGLISH

Brazil, Costa Rica, France, Japan, Portugal, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous relevant resolutions on the situation in Iraq, in particular its resolution 1154 (1998) of 2 March 1998 and 1194 (1998) of 9 September 1998,

Noting with alarm the decision of Iraq on 31 October 1998 to cease cooperation with the United Nations Special Commission, and its continued restrictions on the work of the International Atomic Energy Agency (IAEA),

Noting the letters from the Deputy Executive Chairman of the Special Commission of 31 October 1998 (S/1998/1023) and from the Executive Chairman of the Special Commission of 2 November 1998 (S/1998/1032) to the President of the Security Council, which reported to the Council the decision by Iraq and described the implications of that decision for the work of the Special Commission, and noting also the letter from the Director General of the IAEA of 3 November 1998 (S/1998/1033, annex) which described the implications of the decision for the work of the IAEA,

Determined to ensure immediate and full compliance by Iraq without conditions or restrictions with its obligations under resolution 687 (1991) of 3 April 1991 and the other relevant resolutions,

Recalling that the effective operation of the Special Commission and the IAEA is essential for the implementation of resolution 687 (1991),

Reaffirming its readiness to consider, in a comprehensive review, Iraq's compliance with its obligations under all relevant resolutions once Iraq has rescinded its above-mentioned decision and its decision of 5 August 1998 and demonstrated that it is prepared to fulfil all its obligations, including in particular on disarmament issues, by resuming full cooperation with the Special Commission and the IAEA consistent with the Memorandum of Understanding signed by the Deputy Prime Minister of Iraq and the Secretary-General on 23 February 1998 (S/1998/166), endorsed by the Council in resolution 1154 (1998),

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Condemns the decision by Iraq of 31 October 1998 to cease cooperation with the Special Commission as a flagrant violation of resolution 687 (1991) and other relevant resolutions;

2. Demands that Iraq rescind immediately and unconditionally the decision of 31 October 1998, as well as the decision of 5 August 1998, to suspend cooperation with the Special Commission and to maintain restrictions on the work of the IAEA, and that Iraq provide immediate, complete and unconditional cooperation with the Special Commission and the IAEA;

3. Reaffirms its full support for the Special Commission and the IAEA in their efforts to ensure the implementation of their mandates under the relevant resolutions of the Council;

4. Expresses its full support for the Secretary-General in his efforts to seek full implementation of the Memorandum of Understanding of 23 February 1998;

5. Reaffirms its intention to act in accordance with the relevant provisions of resolution 687 (1991) on the duration of the prohibitions referred to in that resolution, and notes that by its failure so far to comply with its relevant obligations Iraq has delayed the moment when the Council can do so;

6. Decides, in accordance with its primary responsibility under the Charter for the maintenance of international peace and security, to remain actively seized of the matter.

UNITED
NATIONS

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Security Council

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GENERAL

S/1998/1039
5 November 1998

ORIGINAL: ENGLISH

LETTER DATED 4 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF ZAMBIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I write to notify you, and through you, the Security Council, of a regional meeting of Foreign and Defence Ministers on the situation in the Democratic Republic of the Congo, held in Lusaka on 26 and 27 October 1998.

The meeting, chaired by Zambia, marked yet another step in the search for an end to the conflict in the Democratic Republic of the Congo. At the end of the regional meeting, a press statement was issued and, in view of the fact that the President of Zambia has been mandated by his regional colleagues to spearhead the search for a political solution in the Democratic Republic of the Congo, I would like to request you to circulate the attached press statement as a document of the Security Council.

(Signed) Peter L. KASANDA
Ambassador
Permanent Representative

98-33927 (E) 051198

/...

Annex

Press statement issued by the regional meeting of Ministers of Foreign Affairs and Defence on the situation in the Democratic Republic of the Congo, held at Lusaka on 26 and 27 October 1998

At the invitation of President Frederick J. T. Chiluba of the Republic of Zambia, the regional meeting of Ministers of Foreign Affairs and Defence on the situation in the Democratic Republic of the Congo was held in Lusaka from 26 to 27 October 1998. The meeting, which was chaired by E. S. Silwamba, MP, Minister for Presidential Affairs of Zambia, was attended by Ministers from Angola, Burundi, the Democratic Republic of the Congo, Gabon, Kenya, the Libyan Arab Jamahiriya, Mozambique, Namibia, Rwanda, South Africa, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe. Also in attendance were the representatives of the United Nations and the Southern African Development Community (SADC).

The opening session of the meeting was addressed by the President of the Republic of Zambia, Mr. Frederick J. T. Chiluba, the Secretary-General of the Organization of African Unity, a representative of the Secretary-General of the United Nations and the Executive Secretary of SADC.

The meeting focused on issues relating to the cessation of hostilities in the Democratic Republic of the Congo, the establishment of a ceasefire agreement, the mechanisms for implementing the ceasefire agreement, the withdrawal of foreign forces, addressing the security concerns of the Democratic Republic of the Congo and of the neighbouring countries, as well as other follow-up mechanisms for facilitating the peace process in the Democratic Republic of the Congo.

At the end of a comprehensive review of all these issues, the meeting:

1. Adopted in principle a draft ceasefire agreement, and also a mechanism for implementing and monitoring a ceasefire agreement, pending further consultations with all concerned. In this regard, there was an acknowledgement by Angola, Namibia, Uganda and Zimbabwe of the presence of their troops in the Democratic Republic of the Congo. Rwanda did not acknowledge the presence of its troops in the Democratic Republic of the Congo.

2. Established a mechanism for the involvement of the rebels in working out the modalities for the implementation of the ceasefire. In this regard, proximity talks with the rebels were to be facilitated by the following:

Zambia, as Chairman of the Meeting
Organization of African Unity
United Nations
Southern African Development Community
Mozambique
South Africa
The United Republic of Tanzania

Within the framework of the established mechanism, consultations were undertaken with the rebels in Lusaka on 26 and 27 October 1998.

3. With regard to the security concerns of the Democratic Republic of the Congo and the neighbouring countries, the following countries: Angola, Burundi, Rwanda and Uganda, explained in detail their security concerns. The meeting resolved to address these concerns through a mechanism involving military experts to be established in the future.

4. The meeting expressed its gratitude to the Government and the people of Zambia for the warm reception and hospitality extended to all participants in the meeting.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/1040
6 November 1998

ORIGINAL: ENGLISH

LETTER DATED 6 NOVEMBER 1998 FROM THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the misfortune to report once again to the Security Council the continuing refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate with the International Tribunal, as required by resolutions of the Security Council and the statute of the Tribunal. The occasion for making the present report is the failure of the Federal Republic of Yugoslavia to issue visas to investigators of the Office of the Prosecutor so that they may conduct investigations in Kosovo. In doing so, the Federal Republic of Yugoslavia has stated that it does not accept any investigation of the International Tribunal in Kosovo and Metohija.

Clearly this position contravenes the explicit decisions of the Security Council. In resolution 1160 (1998) of 31 March 1998, the Council urged the Office of the Prosecutor of the International Tribunal to begin gathering information related to the violence in Kosovo. On 23 September 1998, in resolution 1199 (1998), the Security Council found that events in Kosovo constitute a threat to peace and security in the region. In that resolution, the authorities of the Federal Republic of Yugoslavia were obligated to "cooperate fully with the Prosecutor of the International Tribunal for the Former Yugoslavia in the investigation of possible violations within the jurisdiction of the Tribunal". Finally, less than two weeks ago, on 24 October 1998, the Security Council adopted resolution 1203 (1998), in which it called for a prompt and complete investigation of all atrocities committed in Kosovo. Further, full cooperation with the Tribunal was required, "including compliance with its orders, requests for information and investigations".

By a letter dated 15 October 1998, the Prosecutor advised Slobodan Milosevic, President of the Federal Republic of Yugoslavia, of her intention to lead an investigative mission to Kosovo. She sought assurance that visas would be issued to enable the investigations to continue forthwith. The failure of the Federal Republic of Yugoslavia to provide her Office with the appropriate travel documents for investigators prevents her from carrying out the mandate of the Security Council. By a letter dated 5 November 1998, the

Prosecutor requested that I notify the Security Council of the failure of the Federal Republic of Yugoslavia to fulfil its obligations under article 29 of the statute of the Tribunal.

I need not remind you that this is the fourth time the President of the Tribunal has notified the Security Council of non-compliance by the Federal Republic of Yugoslavia. As recently as last month, I addressed the Council regarding the failure of the Federal Republic of Yugoslavia to arrest and transfer to the custody of the Tribunal three persons indicted by the Tribunal on 7 November 1995 (S/1998/990). The intentional and continuous refusal by the Federal Republic of Yugoslavia to comply with its clear and incontrovertible legal obligations to the Tribunal, I submit, is an affront to the Security Council and to all law-abiding nations.

The Security Council has issued presidential statements in response to prior reports of the Tribunal of non-compliance by the Federal Republic of Yugoslavia. This has failed to bring about the required cooperation with the Tribunal. Therefore, I respectfully seek from the Security Council measures which are sufficiently compelling to bring the Federal Republic of Yugoslavia into the fold of law-abiding nations.

The Tribunal was created by the Security Council to investigate and prosecute persons responsible for some of the most horrific human rights violations the world has witnessed since the United Nations was established some 53 years ago. As a subsidiary organ and a creation of the Security Council, and lacking mechanisms to enforce State compliance, we rely on the Security Council to bring non-cooperating States into compliance. I urge you to provide the support necessary to enable the Tribunal to discharge its mandate.

(Signed) Gabrielle KIRK McDONALD
President

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Security Council

Distr.
GENERAL

S/1998/1041
6 November 1998

ORIGINAL: ENGLISH

NOTE VERBALE DATED 27 OCTOBER 1998 FROM THE PERMANENT MISSION OF GERMANY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Germany to the United Nations presents its compliments to the Secretary-General of the United Nations, and with reference to the Secretary-General's note of 24 September 1998 (SCA/2/98(22)) has the honour to communicate the following:

The German Foreign Trade and Payment Act stipulates that all exports of arms, ammunition, military and paramilitary equipment are subject to prior licensing by the competent federal authorities. Exports without licence are a criminal offence under paragraph 34 I (1) of the above-mentioned Act.

No licence will be granted for exports of the above-mentioned items to countries under an arms embargo established by the Security Council.

The violation of arms embargoes established by the United Nations Security Council is thus a criminal offence under German law.

Germany is in compliance with the recommendation as contained in paragraph 2 of Security Council resolution 1196 (1998) of 16 September 1998, namely to adopt measures rendering the violation of arms embargoes established by the Council a criminal offence.

The Permanent Mission of Germany to the United Nations would be grateful if this note could be circulated as a document of the Security Council.

98-34130 (E) 061198

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1042
6 November 1998
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 6 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a Government memorandum on the crimes against humanity and grave human rights violations committed by the armed forces of the Rwandan-Ugandan coalition in the occupied provinces of the Democratic Republic of the Congo (see annex).

My Government urges the Security Council to take note of these blatant violations of human rights perpetrated by the aggressors against the Congolese nation and to assume its responsibilities fully in this regard, inter alia, by adopting a resolution which:

1. Condemns the invasion of Congolese territory by Rwandan and Ugandan troops;

2. Reaffirms the unity, sovereignty and territorial integrity of the Democratic Republic of the Congo;

3. Calls on Rwanda and Uganda to withdraw their troops immediately from Congolese territory;

4. Also calls on Rwanda and Uganda to halt forthwith all acts of violence against the Congolese population;

5. Calls for those of the aggressors who are found to have participated in massacres, atrocities and violations of humanitarian law in Congolese territory to be brought before the courts.

I should be grateful if you would have this letter and its annex distributed as a document of the Security Council.

(Signed) André MWAMBA KAPANGA
Ambassador
Permanent Representative

Annex

Memorandum dated 6 November 1998 on the situation in the Democratic Republic of the Congo

1. The Government of the Democratic Republic of the Congo has the honour to inform both national and international public opinion about the situation currently prevailing in the areas occupied by the Rwandan, Ugandan and Burundian aggression troops and to make known to them the serious acts of violence being perpetrated by the aggressors against the Congolese nation.

2. This memorandum is a follow-up to the memorandum dated 31 August 1998 on the armed aggression by the Rwandan-Ugandan coalition against the Democratic Republic of the Congo, addressed to the President of the Security Council (S/1998/827).

I. MASSACRES, ATROCITIES AND HUMAN RIGHTS VIOLATIONS

3. As soon as the aggression began, the occupying troops of the Rwandan-Ugandan coalition expelled the humanitarian agencies of the United Nations system from the occupied areas, deeming them embarrassing witnesses of the acts of violence committed against the Congolese population. National and international public opinion need to know that in the occupied provinces large-scale massacres are taking place that can be characterized as genocide.

4. In the areas concerned, the Rwandan and Ugandan aggressors are engaging in human rights violations and in the systematic elimination of a number of Congolese civilians.

5. On 5 August 1998, Willy Muwengu, a student at the Institut supérieur d'études commerciales et financières (ISECOF) in Bukavu and a resident of the Nyawera district of Ibanda, was arrested by the Rwandan army for having talked to a journalist from Radio-Télévision belge de la communauté française (RTBF)-Belgium. Throughout his seven-day detention in a secret cell, he was tortured and subjected to degrading and inhuman treatment, including being forced to drink his own urine at the risk of being killed and to clean the excrement from the toilets close to his place of detention with his own hands.

6. His younger brother was also arrested and suffered the same fate when he tried to inquire after his older brother. At the intervention of the Vice-Governor, the two victims were released. However, because of the ill-treatment suffered, Willy Muwengu may have to have his right leg amputated unless he receives proper medical care.

7. On 10 August 1998, Michel Bashizi, a student at the Catholic University of Bukavu (UCB), was arrested and detained in a secret location because Rwandan soldiers had been unable to find his lodger, for whom they were looking. Throughout his detention, which lasted six days, the victim received 100 whiplashes each morning.

8. On 10 August 1998, Thierry Bagalwa, a resident of Bien-aimé camp in the Kadutu area, was arrested and held in a secret location because the occupying troops had been unable to find his older brother, Claude Bagalwa, who was wanted for having asked an embarrassing question at a meeting, organized by the President of the Rassemblement congolais pour la démocratie (RCD) in Bukavu.

9. On the occasion of Thierry Bagalwa's arrest, his 16-year-old sister Sifa, a pupil at the Bahati Institute in Kadutu, was raped by six Rwandan soldiers. She was admitted to Bukavu General Hospital, from which she was removed by uniformed men. According to doctors at the hospital, she may experience serious gynaecological problems unless she receives proper care. She has still not been found, despite complaints lodged with the Vice-Governor, and there is reason to fear the worst.

10. On 10 August 1998, Pascal Nyamulinduka, a resident of the Nyawera district of Ibanda, was arrested and detained in a secret location and subjected to inhuman treatment. His right leg and right arm were broken and he was dragged in his underclothes along the road from the former Governor's residence to the square known as "feu rouge" (traffic light). He was released following the intervention of the owner of the Kotecha company.

11. On 1 September 1998, the occupying authorities ordered a city-wide curfew in Bukavu so that they could conduct a search for Maï-Maï warriors and loyalist soldiers. During the search operation, an estimated 57 girls and young women were arrested and taken to a secret location, where they were raped by Rwandan soldiers.

12. The following are the names and addresses of some of them:

Jeanine Fazili (aged 18, a pupil at Wima high school), Buholo No. 3, Kadutu;

Yvette Mushengezi (aged 18, a pupil at Cirezi), Buholo No. 5, Kadutu;

Godée Muhebwa (aged 16, a pupil at the Funu Institute), Chimpunda, Kadutu;

Cibalonza (aged 16, a pupil at the Ibanda Institute), Chimpunda, Kadutu;

Francine Kapapa (aged 17, a pupil at Ibanda), Funu, Kadutu;

Yvette Kaseko (aged 20, Institut supérieur de développement rural (ISDR)), Kasali 3, Kadutu;

Chantal Muderwa (aged 21, Institut supérieur de techniques médicales (ISTM)), Rukumbuka, Kadutu;

Mamy Mushengezi (aged 22, UCB), Chimpunda, Kadutu;

Rosette Kabanzimya (aged 22, Institut supérieur pédagogique (ISP)), Chimpunda, Kadutu;

Caryne Mudosa (aged 21, ISTM), Funu, Kadutu.

13. After being subjected to these outrages, the victims were admitted on an emergency basis to Bukavu General Hospital. Those who had resisted being raped had been tortured, and others had been subjected to inhuman treatment. Jeanine Chishicu, for instance, of Bujola 3 in Kadutu, had been threatened into undressing in front of her brothers and parents.

14. In the course of the same operation, several people were threatened with death and had to hand over either money or electrical appliances or other valuables:

(a) Namwira Ntondo, Chairman of the Peace and Reconciliation Council (COPARE) and a resident of Nguba, was threatened with death. To save his life, he handed over 3,000 United States dollars, a radio cassette player and gold jewellery worth $1,500;

(b) Etienne Bulambo, owner of the "Alliance" stall in Nguba market, was threatened with death by Rwandan soldiers at around 9 p.m. on 2 September 1998 at his home in the industrial district in Kadutu. To save his life, he gave the soldiers $3,000 and a Sony colour television and video cassette recorder worth $800;

(c) Fidèle Lumeya of MCC, a resident of the Nguba district in Bukavu, was threatened with death by Rwandan soldiers. To save his life, he handed over his vehicle, a white Pajero;

(d) Mr. Munganga, a resident of the Nyawera district, was also threatened with death and handed over $3,000 and the entire contents of his house, worth $6,000. Two of his children were taken away by the soldiers and the parents still have no news of them;

(e) Mr. Mukereji, commonly known as "Baba John", was threatened by Rwandan soldiers and, to save his life, was forced to hand over $1,500, a Phillips colour television and a radio cassette player.

15. During the night of 29-30 September 1998, three villages in Bubembe were set on fire.

16. On 5 October 1998, 20 people were killed in Kitundu (Uvira).

17. On 6 October 1998, 55 Congolese civilians were killed in Lubarika. At a place 50 kilometres from Uvira and 90 kilometres from Bukavu, the bodies of 350 Congolese civilians were thrown into the Rushima river.

18. In Buegera, on the Kiringe road, a communal grave containing 600 bodies was found.

19. In Luvungi, near Kanagiro, another communal grave was found, containing 150 bodies.

20. The former section head at Mulenge, Ladislas Matalambu, was killed on 1 October 1998 at 1930 hours.

21. Alexis Deyidedi, former Administrative Secretary of the Bafulero chiefdom, was murdered on 2 October 1998 at 2300 hours.

22. Mr. Kabasha, the SOS/Uvira officer in charge of cultural affairs, was murdered in his home on 2 October 1998.

23. On 2 August 1998, 44 officers of the Congolese armed forces were executed at the Kavumu airport in Bukavu, with the complicity of Commander Tshapul, because they refused to ally themselves with the Rwandan-Ugandan rebellion.

24. On 9 August 1998, Mr. Kibombo, an inhabitant of Nguba and owner of the people's store in the Nguba market, was killed by Rwandan soldiers because he refused to give them his car.

25. On 10 August 1998, 10 unidentified bodies were found near the Gihamba district on the road leading to the dam on the Mururu, usually known as the Ruzizi. Two of these bodies were later recognized by the inhabitants of that district, namely:

(a) Charles Ntimbuka, an inhabitant of the Muhungu district, near the Siao camp, a merchant in the main market at Kadutu, who was killed during the night of 8-9 August 1998;

(b) Badesire Lwaboshi, a merchant who likewise lived in the Muhungu district near ISP and was killed during the night of 8-9 August 1998.

26. On 23 and 24 August 1998, Rwandan soldiers massacred more than 648 people in Kasika, the administrative centre of Luindi community in the Mwenga area. The victims included:

(a) The tribal chief of Luindi, François Naluindi Mubeza III, his pregnant wife Yvette Nyange Mukulumanya, all the members of the Royal Family, and subjects of the King;

(b) Abbé Stanislas Wabulakombe of the Catholic parish of Kasika and a number of worshippers who were holding a prayer service.

27. A number of villages were set on fire and 400 houses were burned in Luhuinja, 200 houses in Luindi and about 100 houses on the boundary between the areas of Walungu and Mwenga, in a village known as Mahunza. A number of people were burned in these houses at the time the fires were set, including children, elderly people and invalids.

28. On 12 September 1998, 150 people were killed in Kabaré because they were suspected of being Maï-Maï warriors.

II. TERRORIST ACTS

29. On 10 October 1998, a Boeing 727 civilian aircraft, registration number 9QCSG, belonging to Congo Air Lines ("CAL") was shot down shortly after

taking off from Kindu airport (Maniema province) by a missile launched by armed members of the Rwandan-Ugandan coalition.

30. By this act of terrorism, the attackers caused the death of 41 civilians, including women and children and 4 crew members, in defiance of the provisions of international law applicable in armed conflicts and in violation of the rules governing international civil aviation.

III. ECONOMIC CRIMES

31. A Ugandan aircraft carrying Lieutenant-Colonel Jet Mwebaze, the brother of James Kazini (Chief of Staff of the Ugandan Army), crashed in the eastern part of the Democratic Republic of the Congo in Eastern Province, occupied by Ugandan troops. It was carrying out an illegal gold-smuggling mission on behalf of General Salim Saleh, the brother of President Yoweri Museveni. Lieutenant-Colonel Jet Mwebaze and the gold smugglers, whose nationalities remain unknown, were killed in the accident.

32. On 4 August 1998, Mr. Kamanzi went to the headquarters of the Banque Centrale du Congo in Bukavu and looted all the contents of the bank vaults. All the proceeds were carried off to Rwanda.

33. International organizations and non-governmental organizations have been pillaged. The UNICEF representative in Bukavu was threatened by attackers who broke into his home. He saved his life only by paying a sizeable ransom in dollars.

34. The safes of revenue-generating enterprises such as OFIDA (customs), the taxation services and the Office de Contrôle Congolais (OCC) were looted and the proceeds deposited in the Cyangungu branch of the Rwanda commercial bank.

35. At Sominki, a mine factory processing gold-ore, Rwandan soldiers stole all the ore, including 45 kilos of gold, that they found in the factory.

36. Rwandan soldiers carried off towards Rwanda the livestock belonging to the population of Kabaré. It is estimated that more than 2,500 animals were involved.

IV. MILITARY ACTIVITIES

37. The Democratic Republic of the Congo also wishes to inform both national and international public opinion that between 30 September and 6 October 1998 more than 450 Burundian soldiers were deployed in the Ruzizi plain; a large number of them are currently based in the Kaliba sugar factory, in Rusabange (Sange) and in Ndunda, Luberizi and Luvungi. This fact prompts the Democratic Republic of the Congo to condemn the involvement of Burundi in the armed aggression of which it is the victim.

38. On 12 October, a journalist of Radio France Internationale who witnessed the taking of Kindu by the Rwandan-Ugandan troops said that 200 Rwandan soldiers

were present and were responsible for handling the most sophisticated weapons possessed by the attacking troops.

39. Following a meeting in Kampala on 13 October 1998, the President of Uganda, Mr. Museveni, and the Vice-President and Minister of Defence of Rwanda, Mr. Kagame, announced that they had occupied by military force a part of Congolese territory, including a number of airports.

40. On 6 November 1998, following a meeting in Pretoria between the President of the Republic of South Africa, Mr. Mandela, and the Vice-President and Minister of Defence of Rwanda, Mr. Kagame, the latter acknowledged that the Rwandan Patriotic Army had Leen involved in the Democratic Republic of the Congo "since 2 August 1998" for "security reasons".

V. CONCLUSION

41. In the light of all the foregoing, the Government of the Democratic Republic of the Congo once again invites the Security Council of the United Nations to assume its responsibilities fully and fulfil its role in the maintenance of international peace and security and urges it to:

(a) Strongly condemn the invasion of Congolese territory by Rwandan and Ugandan troops;

(b) Call on Rwanda and Uganda to withdraw their troops immediately from Congolese territory;

(c) Call on these aggressors to halt forthwith all acts of violence against the Congolese population of the occupied provinces.

UNITED
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Security Council

Distr.
GENERAL

S/1998/1043
6 November 1998

ORIGINAL: ENGLISH

LETTER DATED 6 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I would like to bring to your attention and that of the Security Council a development of grave concern in the conflict between Eritrea and Ethiopia.

Amid Ethiopian threats of starting an all-out attack against Eritrea, in the words of the Ethiopian Prime Minister "not only to regain territories that belong to us, but also to go on further and teach the Eritrean Government a lesson", the Ethiopian army has intensified in the past week its shelling of Eritrean villages and crop fields, causing civilian deaths and losses of property. In heavy Ethiopian shelling on 30 October 1998 in south-western Eritrea (Badme area), several villages were destroyed, more than 100 crop fields burned, and a farmer and a child instantly killed (more could die from the many wounded). On the same day, in the Senafe area, barrages of Ethiopian shelling similarly destroyed villages, burned crop fields and killed three peasants. There has been retaliation from our forces to stop Ethiopian shelling.

Such intensified Ethiopian attacks coming on the eve of peace talks in Ouagadougou indeed attest to Ethiopia's lip service to a peaceful solution and intention for war. Indeed, continuous intimidation and the threat and use of force by the Ethiopian Government is threatening the peace efforts that are being made.

The Eritrean Government reiterates its commitment to peace and has cooperated and will continue to cooperate in the search for a peaceful and legal solution. It has not and shall not resort to force, but if the constant Ethiopian threats, intimidation and attacks that we are witnessing persist, it will defend itself and will not bear any responsibility for the consequences.

We ask the Security Council to take note of the prevailing situation and call upon it to demand that the Ethiopian Government cease its intimidatory threat of an all-out war and its attacks on Eritrean villages, peasants and their property, and that it commits itself unconditionally and irreversibly to a peaceful solution. We have consistently called for an immediate and unconditional cessation of hostilities with a view to creating an enabling atmosphere in the search for a peaceful process acceptable to both sides. Ethiopia continues to refuse, thus making our respective positions very clear.

We call upon the Security Council to insist on an immediate and unconditional cessation of hostilities and thus enhance the chance for the ongoing efforts of the Organization of African Unity, and other efforts, to succeed.

I should be grateful if you would kindly circulate the present letter as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

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General Assembly
Security Council

Distr.
GENERAL

A/53/646
S/1998/1044
6 November 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 155
MEASURES TO ELIMINATE INTERNATIONAL
TERRORISM

SECURITY COUNCIL
Fifty-third year

Letter dated 6 November 1998 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

At approximately 9.45 this morning, as it was attempting to enter the crowded Mahane Yehuda market in downtown Jerusalem, a car laden with explosives detonated on Jaffa Street. Two individuals, apparently the terrorists, were killed in the blast, and about two dozen passersby were injured. Had these bombs not been detonated prematurely, scores of innocent citizens could have lost their lives and hundreds could have been permanently maimed or wounded.

This vicious attack comes in the wake of two other Palestinian terrorist outrages perpetrated against Israelis in the last few weeks: the grenade attack against commuters in the Beersheva bus station on 19 October, injuring 64, and the car bombing of a Jewish school bus in the Gaza District on 29 October, killing one and injuring three. These attacks were perpetrated by individuals who came from territories under the control of the Palestinian Authority.

This attack came several days after Israeli and Palestinian negotiators returned from signing the Wye River Memorandum, and at the very moment that discussions on its approval were being conducted in the Israeli Cabinet.

Under the Memorandum, the Palestinian side pledged to do everything in its power to prevent such acts. The ongoing implementation of the Wye River Memorandum is conditioned upon the Palestinian fulfilment of their agreed-upon security responsibilities.

This most recent terrorist outrage, and the two that have preceded it, have added new urgency to the Palestinian obligations to unequivocally stress its "zero tolerance for terror and violence" and to immediately ensure "systematic and effective combat of terrorist organizations and their infrastructure" as stipulated in the Memorandum (Clause II:A).

98-34172 (E) 061198

I should be grateful if you would have the text of this letter circulated as a document of the General Assembly, under agenda item 155, and of the Security Council.

(Signed) Dore GOLD
Ambassador
Permanent Representative

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Security Council

Distr.
GENERAL

S/1998/1045
9 November 1998

ORIGINAL: ENGLISH

LETTER DATED 9 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a statement issued on 9 November 1998 by the Office of the Spokesperson of the Government of the Federal Democratic Republic of Ethiopia concerning the Organization of African Unity (OAU) peace proposal on the conflict between Ethiopia and Eritrea, adopted by the OAU Committee of Heads of State and Government at its meeting held at Ouagadougou, Burkina Faso, on 7 and 8 November 1998 (see annex).

I would also like to point out that Ethiopia has accepted the above-mentioned peace proposal since it is based on the principles of OAU and the decision adopted by the thirty-fourth Summit of the Organization, held at Ouagadougou, in June 1998.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador
Permanent Representative

Annex

Statement on the Organization of African Unity peace proposal peace proposal on the Ethiopian/Eritrean conflict, issued by the Spokesperson of the Government of Ethiopia on 9 November 1998

A committee of the Organization of African Unity (OAU) which met this weekend in Ouagadougou presented a peace proposal to both Ethiopia and Eritrea. The proposal was consistent with the previous OAU resolution which stated that Eritrea should withdraw from Badme and its environs to positions held before 12 May and that the Ethiopian civilian administration should return.

Points of clarification were raised by the Ethiopian delegation, which was led by Prime Minister Meles Zenawi. Clarification was sought, as it was important that all points be stated clearly, especially when taking into consideration the Eritrean Government's tendency to be selective about facts that emerge from such meetings. Having considered the proposal and the satisfactory clarification of the points raised, Ethiopia fully accepted the proposed OAU plan.

In contrast, Eritrea rejected the proposed plan, stating again that any withdrawal could never be accepted.

This contemptuous response reflected President Isaias Afwerki's previous statement: "We have always been there [Badme] and we are there to stay" and "an Eritrean withdrawal from Badme is unthinkable - it is like assuming that the sun would never rise".

Eritrea's continued rejection of a peaceful solution is in keeping with its past contempt for its neighbours, its previous dismissal of OAU efforts, its blatant disregard for international law and for international bodies whose views it has so pointedly rejected.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/1046
9 November 1998
ENGLISH
ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 8 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you that violations of Iraq's airspace by United States aircraft continued between 16 and 31 October 1998 and that the aircraft in question carried out reconnaissance and engaged in acts of provocation, as set forth in the annex hereto.

Your intervention is requested with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and of international law, pose a threat to the sovereignty and territorial integrity of the Republic of Iraq.

These actions continue to alarm the civilian population and to cause serious damage to private and public property. The Republic of Iraq affirms its right to seek legal compensation for the damage being inflicted on the Iraqi people and the Iraqi State by these actions.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Violations and damage caused, 16-31 October 1998

1. In the northern region 147 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres over the following cities and towns: Dohuk, Mosul, Amadiyah, Aqrah, Zakho, Irbil, Tall Afar, Tall Kayf, Sinjar, Rawanduz, Koysanjaq, Baibo, Ayn Zalah and Badush.

2. In the southern region 710 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres over the following Iraqi cities and towns: Nasiriyah, Samawah, Artawi, Ushbayjah, Jalibah, Salman, Busayyah, Qurnah, Chabaish, Shinafiyah, Rumaythah, Basrah, Shatrah, Qal'at Salih, Maymunah, Rifa'i, Kut, Mu'aniyah, Diwaniyah, Safwan, Amarah, Umm Qasr, Hamzah, Ali al-Gharbi, Abu Sukhayr, Shu'aybah, Najaf and Nu'maniyah.

3. Twelve violations were committed by TR-1 reconnaissance aircraft flying at altitudes of 20,000 metres and at speeds of 600 kilometres per hour.

4. At 0935 hours on 15 October United States aircraft violated Iraqi airspace over Umm Qasr.

5. At 2030 hours on 18 October United States forces intercepted the Honduran tanker Trapp Star, for which Mr. Husam Ja'far acts as agent, after it had left Mina' Khawr al-Zubayr and was near buoy 5 in the Khawr Abd Allah channel. The tanker, which was subjected to an act of piracy on the part of the United States at 1100 hours on 24 October, was taken to Kuwait by United States forces and is still there.

6. At 0015 hours on 19 October the United States frigate Carr (No. 52) began a search of the oil tanker Rayshan at a point 5 kilometres south of Mina' al-Amiq.

7. At 1230 hours on 19 October a United States helicopter intercepted the Chinese freighter Thaibing, which was carrying a cargo of rice, between buoy 7, in the Khawr Abd Allah waterway, and buoy 12. The freighter was ordered to change course or to drop anchor immediately. The pilot was then ordered to reduce speed and await orders. It should be noted that the freighter had already been searched at the international inspection point. At 1320 hours the pilot was instructed to proceed onwards.

UNITED
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Security Council

Distr.
GENERAL

S/1998/1047
9 November 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 9 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 9 November 1998 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, giving particulars of the Turkish aggression against and invasion of Iraqi territory which began today, and calling upon the Security Council to condemn this Turkish incursion, request the Government of Turkey to withdraw its forces from Iraqi territory and discuss this serious issue at the next opportunity.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

98-34307 (E) 091198 091198

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Annex

[Original: Arabic]

Letter dated 9 November 1998 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

Further to my letter of 13 June 1998 (S/1998/509), I wish to draw your attention to the fact that the Turkish armed forces have today, 9 November 1998, made a fresh incursion into Iraqi territory.

In this context, I should like to refer to the statement made by the Turkish Minister of Defence, Ismet Sezgin, on 9 November 1998, as reported by the Turkish news agency "Anatolia", to the effect that Turkish forces had launched a military operation in northern Iraq in pursuit of members of the Turkish Kurdish Workers' Party who had been forced to leave their bases in the Syrian Arab Republic in October 1998.

The Government of Iraq strongly condemns these fresh acts of aggression and violations perpetrated by the Turkish armed forces, and categorically rejects the pretexts put forward by Turkey to justify its repeated incursions into Iraqi territory. The claim that they are pursuing rebel elements in order to put an end to their activities does not give the Turkish armed forces the right to invade and violate Iraqi territory. Turkey is in the habit of fabricating flimsy pretexts for such aggressive operations. At the same time, the Turkish Government's policy of cooperating with the Governments of the United States of America and the United Kingdom in imposing an illegal no-fly zone has created an abnormal situation in northern Iraq.

The repeated acts of aggression carried out by the Government of Turkey constitute a serious violation of the sovereignty and territorial integrity of Iraq and show disregard for the principle of good-neighbourly relations and the rule of international law.

The Government of Iraq calls upon the Government of Turkey to withdraw its invasion forces from Iraqi territory forthwith, and to refrain from any renewal of such repeated aggressive practices. It holds the Government of Turkey wholly responsible for these acts of aggression inside Iraqi territory and all the consequences thereof, regardless of all the flimsy pretexts it has put forward. The Government of Iraq also reserves its legitimate right under international law to determine the appropriate response to this blatant military aggression and to seek compensation for the losses and suffering caused to Iraqi citizens as a result of these repeated Turkish invasions and violations of Iraqi territory and airspace.

Furthermore, the Government of Iraq renews its appeal to the Government of Turkey to reverse the dangerous policy it pursues in cooperation with the Governments of the United States of America and the United Kingdom, which clearly contributes to the continuation of the abnormal situation in northern Iraq, with a view to implementing a dangerous plan to intervene in the internal affairs of Iraq.

While renewing, through you, Iraq's appeal to Turkey to respect the sovereignty and territorial integrity of Iraq, I hope that the United Nations will assume its responsibilities under the Charter of the United Nations and ensure that the aggression and intimidation to which my country is being subjected are halted forthwith. I would further request you to use your utmost good offices in seeking compliance from Turkey with the principles of the Charter of the United Nations and international law and the immediate withdrawal of its armed forces from Iraqi territory.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

UNITED
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General Assembly
Security Council

Distr.
GENERAL

A/53/649
S/1998/1048
9 November 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 62
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-third year

Letter dated 6 November 1998 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to my letter dated 2 November 1998, I have the honour to draw Your Excellency's attention to new violations of the national airspace of the Republic of Cyprus and of the flight information region (FIR) of Nicosia by military aircraft of the Turkish Air Force, recorded on 5 November 1998.

On that day, five military aircraft (four F-4s and one low-velocity aircraft) of the Turkish Air Force entered the northern Nicosia FIR, violating international air traffic regulations. Thereafter, the four F-4s exited towards the Ankara FIR. The low-velocity aircraft violated the national airspace of the Republic of Cyprus, flying over the area of Mesaoria, landing afterwards at the illegal airport of Tymbou in the occupied area of the Republic before returning back to the Ankara FIR on the same day.

As stated in my previous letters, such unauthorized intrusions into the Nicosia FIR and the national airspace of the Republic of Cyprus are in violation of international air traffic rules, and at the same time they are in contravention to the provisions of the Security Council resolutions on Cyprus, in which the Council states that such overflights increase tension on the island and undermine efforts towards achieving a final settlement.

On behalf of the Government of the Republic of Cyprus, I wish to strongly protest these new provocative acts by Turkey against the sovereignty and territorial integrity of the Republic of Cyprus. The frequency, intensity and large number of aircraft involved in the above, as well as the latest violations, are a further reminder of Turkey's offensive disregard of international law, the Charter of the United Nations and all the relevant decisions of the Organization on the question of Cyprus.

Furthermore, these continuing overflights by the Turkish Air Force, as well as the presence of the Turkish military occupation forces on the island, constitute the underlying causes of tension in Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly and of the Security Council.

(Signed) Sotos ZACKHEOS
Ambassador
Permanent Representative

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Security Council

Distr.
GENERAL

S/1998/1049
9 November 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 9 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 9 November 1998 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, giving particulars of the Turkish aggression against and invasion of Iraqi territory which began today, and requesting the United Nations to assume its responsibilities under the Charter of the United Nations and ensure that the aggression and intimidation to which Iraq is being subjected are halted forthwith.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

98-34313 (E) 091198 091198

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Annex

Letter dated 9 November 1998 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

Sir,

Further to my letter of 13 June 1998 (S/1998/509), I wish to draw your attention to the fact that the Turkish armed forces have today, 9 November 1998, made a fresh incursion into Iraqi territory.

In this context, I should like to refer to the statement made by the Turkish Minister of Defence, Ismet Sezgin, on 9 November 1998, as reported by the Turkish news agency "Anatolia", to the effect that Turkish forces had launched a military operation in northern Iraq in pursuit of members of the Turkish Kurdish Workers' Party who had been forced to leave their bases in the Syrian Arab Republic in October 1998.

The Government of Iraq strongly condemns these fresh acts of aggression and the violations perpetrated by the Turkish armed forces, and categorically rejects the pretexts put forward by Turkey to justify its repeated incursions into Iraqi territory. The claim that they are pursuing rebel elements in order to put an end to their activities does not give the Turkish armed forces the right to invade and violate Iraqi territory. Turkey is in the habit of fabricating flimsy pretexts for such aggressive operations. At the same time, the Turkish Government's policy of cooperating with the Governments of the United States of America and the United Kingdom in imposing an illegal no-fly zone has created an abnormal situation in northern Iraq.

The repeated acts of aggression carried out by the Government of Turkey constitute a serious violation of the sovereignty and territorial integrity of Iraq and show disregard for the principle of good-neighbourly relations and the rule of international law.

The Government of Iraq calls upon the Government of Turkey to withdraw its invasion forces from Iraqi territory forthwith, and to refrain from any renewal of such repeated aggressive practices. It holds the Government of Turkey wholly responsible for these acts of aggression inside Iraqi territory and all the consequences thereof, regardless of all the flimsy pretexts it has put forward. The Government of Iraq also reserves its legitimate right under international law to determine the appropriate response to this blatant military aggression and to seek compensation for the losses and suffering caused to Iraqi citizens as a result of these repeated Turkish invasions and violations of Iraqi territory and airspace.

Furthermore, the Government of Iraq renews its appeal to the Government of Turkey to reverse the dangerous policy it pursues in cooperation with the Governments of the United States of America and the United Kingdom, which clearly contributes to the continuation of the abnormal situation in northern Iraq, with a view to implementing a dangerous plan to intervene in the internal affairs of Iraq.

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While renewing, through you, Iraq's appeal to Turkey to respect the sovereignty and territorial integrity of Iraq, I hope that the United Nations will assume its responsibilities under the Charter of the United Nations and ensure that the aggression and intimidation to which my country is being subjected are halted forthwith. I would further request you to use your utmost good offices in seeking compliance from Turkey with the principles of the Charter of the United Nations and international law and the immediate withdrawal of its armed forces from Iraqi territory.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

UNITED
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General Assembly
Security Council

Distr.
GENERAL

A/53/652
S/1998/1050
10 November 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda items 39 and 40
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-third year

Report of the Secretary-General

1. The present report is submitted in accordance with General Assembly resolution 52/52 of 9 December 1997 on the peaceful settlement of the question of Palestine.

2. On 25 August 1998, the Secretary-General, pursuant to the request contained in paragraph 9 of the above-mentioned resolution, addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 52/52, which the General Assembly adopted on 9 December 1997, at its fifty-second session, under the agenda item 'Question of Palestine'.
>
> "In paragraph 9 of the resolution, the General Assembly 'requests the Secretary-General to continue his efforts with the parties concerned and, in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter'.
>
> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would kindly convey to me the views of the Security Council by 30 September 1998."

3. On 22 September 1998, the following reply was received from the Security Council:

> "The Security Council remains gravely concerned about developments in the occupied territories and the region.
>
> "Recalling the statement by the President of the Council of 13 July 1998 (S/PRST/1998/21), the Security Council continues to be determined to keep developments under review, and to provide the needed

backing to the Middle East peace process, giving full support to the agreements achieved as well as to the timely implementation of those agreements.

"The Council calls upon the concerned parties to pursue the negotiations and to fulfil their obligations under the agreements achieved, so that progress can be made towards a just, lasting and comprehensive peace based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973."

4. In a note verbale dated 31 August 1998 to the parties concerned, the Secretary-General sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the Palestine Liberation Organization, regarding any steps taken by them to implement the relevant provisions of the resolution. As of 30 October 1998, the following reply had been received:

Note verbale dated 9 October 1998 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

"General Assembly resolution 52/52 is the main political resolution on the Palestinian issue, and it was adopted by an overwhelming majority (155-2-3), a reflection of the strong convictions of the international community with regard to the content of the resolution. As stated in the note verbale dated 13 October 1997 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General (see A/52/581-S/1997/866, para. 4), the resolution recalls several principles of international law and the Charter of the United Nations, provides support for the peace process and implementation of the agreements reached and also provides the basis for the just settlement of the question of Palestine, the core of the Arab-Israeli conflict. The resolution emphasizes as well the importance of a more active and expanded role for the United Nations in this process. As such, the resolution should serve as an acceptable basis for all parties to work on these important issues.

"In operative paragraph 2 of resolution 52/52, the General Assembly once again 'expresses its full support for the ongoing peace process, which began in Madrid, and the Declaration of Principles on Interim Self-Government Arrangements of 1993, as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip of 1995, and expresses the hope that the process will lead to the establishment of a comprehensive, just and lasting peace in the Middle East'. In operative paragraph 3, the Assembly 'stresses the necessity for commitment to the principle of land for peace and the implementation of Security Council resolutions 242 (1967) and 338 (1973), which form the basis of the Middle East peace process, and the need for the immediate and scrupulous implementation of the agreements reached between the parties, including the redeployment of the Israeli forces from the West Bank and the commencement of the negotiations on the final settlement.'

"Since the adoption of resolution 52/52, the deadlock in the Middle East peace process has continued. No progress has been made with regard to the implementation of the agreements reached; the situation on the ground, including the economic and living conditions of the Palestinian people, has continued to deteriorate; and tension has increased in the region as a whole, all as a result of the policies and practices of the Israeli Government. It is noteworthy that several letters of complaint regarding those policies and practices were sent by the Permanent Observer of Palestine to the United Nations during the past year to the Secretary-General, the President of Security Council and the President of the General Assembly.

"In fact, the Israeli Government, since taking office, has adopted guidelines contradicting the letter and spirit of the agreements reached, made it clear that the timetable agreed upon would not be respected, resumed colonial settlement activities in the occupied territory and opened a tunnel in the vicinity of Al-Aqsa Mosque in Occupied East Jerusalem. The Israeli Government did not close that tunnel, in flagrant violation of Security Council resolution 1073 (1996) of 28 September 1996, and has continued with, and even intensified, its colonial settlement activities, including the building of a new settlement in Jabal Abu Ghneim to the south of Occupied East Jerusalem, and attempted to build a settlement in Ras al-Amud. From the above, it is clear that the Government has continued its drive to Judaize Jerusalem and to change its status and demographic composition. In this regard, the Israeli Government recently announced the creation of an 'umbrella municipality' which would expand the borders of Jerusalem and extend the administrative powers of the illegal municipality over nearby towns in Israel, as well as over some Jewish settlements in the occupied West Bank.

"In the eighth preambular paragraph of resolution 52/52, the General Assembly affirmed 'the illegality of the Israeli settlements in the territory occupied since 1967 and of Israeli actions aimed at changing the status of Jerusalem'. Furthermore, the Assembly, in operative paragraphs 5 and 6 of the same resolution, stressed the need for 'the realization of the inalienable rights of the Palestinian people, primarily the right to self-determination', and 'the withdrawal of Israel from the Palestinian territory occupied since 1967', and also stressed the need for 'resolving the problem of the Palestine refugees in conformity with its resolution 194 (III) of 11 December 1948'.

"The Palestinian side believes that the eighth preambular paragraph and operative paragraphs 5 and 6 of General Assembly resolution 52/52 are of great importance, as they reflect established positions of the international community consistent with international law. The Palestinian side believes that the international community, represented by the Assembly, should always uphold the principles of the Charter of the United Nations, international law, international humanitarian law and the validity of Security Council resolutions. As such, the Assembly has to uphold its positions related to the inalienable rights of the Palestinian people, and it should maintain its positions related to the elements of the final settlement (final status issues), including Jerusalem, settlements and

refugees. It should be affirmed that illegal Israeli actions in these fields and their results remain illegal regardless of the passage of time.

"Operative paragraph 8 of the same resolution, 'emphasizes the importance for the United Nations to play a more active and expanded role in the current peace process and in the implementation of the Declaration of Principles'. The Palestinian side welcomes the progress made in this regard, especially in the fields of providing economic, social and other assistance to the Palestinian people. It welcomes in particular the work of the United Nations Special Coordinator in the Occupied Territories in the field of coordinating United Nations, as well as international, assistance to the Palestinian people. It welcomes as well the work done by the Commissioner-General and the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), including the work of UNRWA's headquarters in Gaza City. It affirms the significance of UNRWA in other fields of operation outside of the Occupied Palestinian Territory as well as the continuation of all field offices, including the field office in Jerusalem.

"The Palestinian side hopes that the United Nations will contribute to the efforts being undertaken to salvage the peace process and to bring it back on track. The involvement of the Security Council would also be a very important factor in the interest of the peace process. Indeed, the Council has contributed to the salvaging of the peace process by responding to some serious events in the Occupied Palestinian Territory, including Jerusalem, by adopting resolution 1073 (1996) of 28 September 1996 and before that by adopting resolution 904 (1994) of 18 March 1994 on the Al-Khalil (Hebron) massacre in the Al-Ibrahimi Mosque. After the adoption of General Assembly resolution 52/52, on 30 June 1998, the President of the Council made a statement on behalf of the Council (S/PRST/1998/21) on the situation in the occupied Arab territories.

"It is to be recalled that, unfortunately, the Council was twice prevented from playing the same positive role and from discharging its responsibilities for the maintenance of peace and security, as a result of the two vetoes exercised by the United States of America on 7 and 21 March 1997 on two draft resolutions dealing with the illegal Israeli settlement in Jabal Abu Ghneim. The two vetoes led to the convening of the tenth emergency special session of the General Assembly to discuss illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory. The emergency special session produced extremely important resolutions, including Assembly resolution ES-10/5 of 17 March 1998, which will be subject to further serious follow-up by the session, including by the convening of a conference of the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and the rest of the Arab territories occupied since 1967.

"The Palestinian side reiterates the expression of its appreciation to the Secretary-General for his substantial and accurate report presented pursuant to General Assembly resolution ES-10/2 of 25 April 1997 and, as it

has done in previous years, would like to underscore the request made by the Assembly in resolution 52/52 for the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in that regard. It is worth noting that during the past year, the Secretary-General visited the Occupied Palestinian Territory and the region, where he had a first-hand opportunity to experience the extremely difficult conditions of the Palestinian people.

"Finally, the Palestinian side believes that for the peaceful settlement of the question of Palestine to be achieved through the current Middle East peace process, it is necessary to respect the mutual recognition between the two sides and the basis upon which the process was initiated, namely, the principle of the return of land for peace and the implementation of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973. It is equally important for the parties to comply with the agreements reached and to implement those agreements in good faith and without delay. Furthermore, all actions that violate international law, relevant Security Council resolutions and those agreements must cease completely. The international community, especially the co-sponsors of the peace process, has a great responsibility in this regard.

"It should also be recalled that under the same agenda item, Question of Palestine, the General Assembly, at its fifty-second session, adopted resolution 52/250 of 7 July 1998, entitled 'Participation of Palestine in the work of the United Nations'. In this regard, the legal, political and practical significance of that resolution is emphasized."

OBSERVATIONS

5. The signing of the Wye River memorandum by the Government of Israel and the Palestinian Liberation Organization is a promising development. This agreement complements and adds details to the accords that the parties concluded in the past and, more importantly, paves the way to permanent status negotiations. I would like to take this opportunity to commend the dedication, courage and tireless efforts of all participants in the Wye Plantation meetings.

6. It is to be hoped that the Wye agreement will bring to an end the delays and unilateral actions that have hampered progress in the Middle East peace process for far too long. The primary obligations of the Palestinians and Israelis are clear: respectively, to take all legal measures to combat violence and terrorism, and to carry out, on time, further redeployments in the West Bank as laid down in the agreement. It is imperative that the good will demonstrated at Wye Plantation be translated into scrupulous implementation of the commitments made by both sides, thereby rebuilding confidence and raising new hope for peace, stability and security for all in the region.

7. That the Wye agreement offers economic opportunities for the Palestinian people is also to be welcomed. Such opportunities are essential if peace in the Middle East is to prosper. The United Nations system will continue to support

progress in the Israeli-Palestinian talks and to provide economic, social and other assistance to the occupied territories.

8. It is to be hoped that advances in the Israeli-Palestinian negotiations will create favourable momentum for the resumption of the Israel-Syrian Arab Republic and Israel-Lebanon talks. This will be essential for the settlement of the Arab-Israeli conflict on the basis of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) of 19 March 1978.

UNITED
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General Assembly
Security Council

Distr.
GENERAL

A/53/653
S/1998/1051
10 November 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 48
REPORT OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

SECURITY COUNCIL
Fifty-third year

Letter dated 9 November 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the statement issued by the Federal Ministry of Justice of the Federal Republic of Yugoslavia concerning an alleged refusal by the Federal Republic of Yugoslavia to issue visas to officials of the International Tribunal in The Hague (see annex).

I would be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 48, and of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

ANNEX

Statement issued by the Federal Ministry of Justice of the Federal Republic of Yugoslavia

Some media in Yugoslavia and abroad carried the news that the Prosecutor of the International Criminal Tribunal in The Hague, Louise Arbour, and the President of the Tribunal, Gabrielle Kirk McDonald, will not come to Belgrade to attend a symposium on the Tribunal because, it is alleged, the Federal Republic of Yugoslavia has not issued them entry visas.

This information is inaccurate. The Embassy of the Federal Republic of Yugoslavia in The Hague did issue to the President of the Tribunal, Gabrielle Kirk McDonald, the Prosecutor of the Tribunal, Louise Arbour, and the Deputy Prosecutor, Graham Blewitt, as well as to their nine associates, the visas to participate in the said symposium.

It is a matter of the discretion of these ladies and gentlemen whether they will use the approved visas or not and what public statements they will make, but they cannot claim that they have not been given Yugoslav visas.

As far as cooperation with The Hague Tribunal is concerned, the official Yugoslav positions have been presented in the letter of the Federal Minister of Justice, Zoran Knezevic, to the Prosecutor of the Tribunal, Louise Arbour, and they are of a principled nature, since what is involved in Kosovo and Metohija is the legitimate right and activity of the State to suppress terrorism and not a war conflict.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/1052
10 November 1998

ORIGINAL: ENGLISH

LETTER DATED 6 NOVEMBER 1998 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the command of the United Nations Observer Mission in Georgia (UNOMIG).

The Chief Military Observer of UNOMIG, Major General Harun Ar-Rashid, will complete his assignment on 15 November 1998 and will return to the service of his Government.

Following the usual consultations, it is my intention to appoint Major General Tariq Waseem Ghazi of Pakistan to succeed Major General Ar-Rashid. Major General Ghazi is expected to take up his functions on 16 November 1998.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

98-34519 (E) 101198

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/1053
10 November 1998

ORIGINAL: ENGLISH

LETTER DATED 10 NOVEMBER 1998 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 6 November 1998 (S/1998/1052) concerning your intention to appoint Major General Tariq Waseem Ghazi of Pakistan as the Chief Military Observer of the United Nations Observer Mission in Georgia (UNOMIG) has been brought to the attention of the members of the Council. They take note of the intention contained in your letter.

(Signed) A. Peter BURLEIGH
President of the Security Council

98-34525 (E) 101198

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/1054
10 November 1998

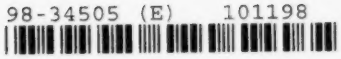
ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVE OF GABON ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 10 November 1998 from the Permanent Representative of Gabon to the United Nations stating that Mr. Guy-Marcel Eboumy has been appointed alternate representative of Gabon on the Security Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

98-34505 (E) 101198



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LETTER DATED 9 NOVEMBER 1998 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990) CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith, for the attention of the members of the Council, a report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6 (f) of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991).

The report was approved by the Committee on 6 November 1998.

(Signed) António MONTEIRO
Chairman
Security Council Committee established
by resolution 661 (1990) concerning
the situation between Iraq and Kuwait

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Annex

Report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6 (f) of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991)

1. The present report is submitted by the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, in accordance with paragraph 6 (f) of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991) of 3 April 1991 approved by the Council in its resolution 700 (1991) of 17 June 1991 (S/22660, annex).

2. Under paragraph 6 (f) of the guidelines, the Committee is required to report at 90-day intervals to the Security Council on the implementation of the arms and related sanctions against Iraq contained in the relevant resolutions of the Council. The present report is the thirtieth of such reports submitted under the above-mentioned guidelines.

3. In paragraph 12 of the guidelines, all States are requested to report to the Committee any information that may have come to their attention relating to possible violations of the arms and related sanctions against Iraq committed by other States or foreign nationals. During the period under review, no such information has been brought to the attention of the Committee.

4. Under paragraphs 13 and 15 of the guidelines, all States and international organizations are required to consult the Committee on the question whether certain items fall within the provisions of paragraph 24 of resolution 687 (1991), as well as in cases relating to dual-use or multiple-use items, that is, items meant for civilian use but with potential for diversion or conversion to military use. During the period covered by the present report, the Committee has not been consulted by any States or international organizations on these questions.

5. In paragraph 14 of the guidelines, international organizations are requested to take all appropriate steps to assist in ensuring full compliance with the arms and related sanctions against Iraq, including providing to the Committee any information of this kind that may come to their attention. During the period under review, no such information has been brought to the attention of the Committee.

6. The Committee will continue its efforts to fulfil the mandate entrusted to it by the Security Council.